

DIVORCE WITH CHILDREN: What to do with these Court Forms

Here are a few tips for filling out the forms:

- Always use full legal names, not nicknames.
- Type or print neatly. If you have access to the Internet, you may be able to fill out the forms on-line at www.ptla.org/forms.htm
- You will file each form with the Court. Before you do that, make at least two copies of your completed forms--one for yourself and one for your spouse. You will need to find a place to make copies (like a library). The court clerk cannot make copies for you.
- If any of your children by this marriage receive (or have received) AFDC, TANF or Medicaid, make an extra copy of your court papers and mail them to the Department of Health & Human Services. The address is on the complaint form. You should also do this if you have asked DHHS to collect child support for you.

STEP ONE: Fill Out the Forms

COMPLAINT FOR DIVORCE

The section at the top of the form is called the "caption." Fill in the location of the District Court (for example: "Bangor"). The clerk will fill in the Docket Number later. You are the Plaintiff and your spouse is the Defendant. Write your full legal name in the blank before "Plaintiff." Write your spouse's full name in the blank before "Defendant." If you or your spouse owns a house or other real estate or land, check the box next to "Title to Real Estate Involved." **You should check this box even if title to the real estate is only in one party's name.** Fill in the other blanks on the form. Near the end, where it says "Plaintiff Requests...", check all the boxes that apply. (If you're not sure, check the box; you can drop that

request later.) You must sign this form in front of a Notary Public. You can find a Notary at a bank, a legal services office, through your own town office, or at the court clerk's office.

CHILD SUPPORT AFFIDAVIT

Fill out the "caption" the same way that you did on the complaint form. Fill out the rest of the form to the best of your knowledge. Note that you list last year's earned income and this year's expected earned income separately under #1. Also note that you list other income under #2 and in-kind income under #3. You may have to look at your records, if you have them, to get financial information. You must sign this form in front of a Notary Public. After your spouse gets your Complaint, the Court will ask him/her to fill out the same financial form and send you a copy.

FAMILY MATTER SUMMONS AND PRELIMINARY INJUNCTION

You must use the original form you got from the clerk. It has the clerk's original signature and seal. You cannot use a photocopy or on-line version of this form.

Fill out the "caption" as you did on the complaint. Fill in the name and address of the court. Date and sign the form. Leave the spaces on the second page empty.

STEP TWO: Serve the Forms

Now you must give copies to your spouse. This is called "serving" the court papers. Court rules say you can do this in one of three ways. You can mail the papers, asking your spouse to agree to "service." Or you can send the papers by certified

mail. Or you can pay a sheriff to give the copies to your spouse.

Service by Mail

Mail or hand-deliver these papers to your spouse:

- Copy of Complaint
- Copy of Summons and Preliminary Injunction
- Copy of Child Support Affidavit
- Two copies of Acknowledgment of Receipt of Summons and Complaint (after you have filled in the "caption" on both copies)
- Stamped, self-addressed envelope

The Acknowledgment of Receipt form asks your spouse to sign it, showing he/she got the papers, and to return the form to you within 20 days.

If you get the signed Acknowledgment back within 20 days, go on to Step 3. If not, then you will need to serve the papers another way.

Service by Certified Mail

Take these papers to the post office:

- Copy of Complaint
- Copy of Summons and Preliminary Injunction
- Copy of Child Support Affidavit

Tell the postal clerk that you want to send the papers by certified mail. Make sure you ask for a "Return Receipt" and "Restricted Delivery." This costs more and involves a few extra steps. Get forms and help from your post office. File with the court clerk the green card you get back from the post office, to prove that your spouse got the papers.

Service by Sheriff

Mail or take to your county sheriff's office:

- Copy of Complaint
- The original Summons and Preliminary Injunction, plus one copy
- Copy of Child Support Affidavit

In a letter, or in person, ask the sheriff's office to serve the papers on your spouse. Give your spouse's home address. If you think the other party will be hard to find at home, give your spouse's work address. The deputy who "serves" the papers will complete page two of the Summons and return the original to you. The Sheriff charges for this service (about \$15-\$30).

STEP THREE: File the Forms

Fill out the Confidential Family Matter Summary Sheet, which has its own instructions. The clerk won't accept your papers for filing without this form.

Within 20 days after serving your spouse, hand-deliver or mail to the court clerk these original forms:

- ☐ **Summary Sheet**
- ☐ **Complaint**
- ☐ **Child Support Affidavit**
- ☐ **Summons** (REQUIRED regardless of how service was completed, and should be filed with deputy's signature **if** you used sheriff's service)
- ☐ **Acknowledgment of Receipt** (if you used service by mail)
- ☐ **Green card** (if you used certified mail service)

The Court charges \$60 to file your papers. Later you may be charged a \$160 mediation fee (shared by the parties). If you cannot afford the court fees, you may ask the clerk for an Application to Proceed Without Payment of Fees and Indigency Affidavit. Fill out these forms, and sign them in front of a Notary Public. Then file the forms with the clerk along with your other papers. A judge will review your financial information and decide whether you qualify for a "fee waiver." If the waiver is denied, you must pay the filing fee within 7 days. If the waiver is granted, you will not have to pay some or all of the court fees.

STEP FOUR: Case Management Conference

You and your spouse must go to a case management conference at the Court. Within two weeks after you complete all of the steps above, the Court will notify you of the date and time of the conference. Read all of the papers you get from the Court, including Important Information Regarding Case Management Conference.

If you and your spouse agree on temporary arrangements for your children (such as where they will stay, visits with the other parent, and how they will be supported), you may fill out and file a form called Certificate in Lieu of Case Management Conference. You can get this form from the court clerk. You and your spouse must both sign the certificate. You may not have to go to the case management conference if you file the certificate before the conference date. The Court will send you a notice in the mail if you do not need to go to the conference.

HELPFUL RESOURCES

Video. The court has a video explaining the court process and your rights and responsibilities.

Mediation. A mediator may be able to help you and the other party reach an agreement on issues relating to your case. The court has a video explaining what mediation is. Mediation can be arranged through the court or a private mediator.

Parent education. A parent education program specifically designed for divorcing or separating parents may help you focus on the needs of your children.

Child Support Table. These guidelines, by law, are issued by DHHS and are used to help determine child support obligations according to income. This table is available from Pine Tree Legal's website (www.ptla.org), the Court's website (www.courts.state.me.us) or from the Clerk's office.

For more information about these resources, speak with the court clerk.